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**DECISION**



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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

PLM II

FILE: B-193440

DATE: September 24, 1979

MATTER OF: Gregg Marshall

**DIGEST:** Employee scheduled annual leave for vacation in Toronto, Canada, and made the necessary plans. Before departure from his permanent duty station (Boulder) he was directed to perform temporary duty in Norfolk before returning to his headquarters. Employee is entitled to be reimbursed the cost of his actual expenses not to exceed the cost of direct round-trip travel between headquarters and temporary duty point.

The question presented is whether Mr. Gregg Marshall, an employee of the National Oceanic and Atmospheric Administration (NOAA), is entitled to be reimbursed the difference between the regular coach cost of air transportation expenses he incurred and the reduced air fare he would have incurred for his vacation had he not been required to perform temporary duty (TDY) prior to returning to his permanent duty station from his vacation point. He is entitled to receive the air transportation expenses he actually incurred not to exceed the cost of commercial air fare from his permanent duty station to his TDY site and return.

The question was presented by letter of October 12, 1978, from Mr. Ernest Martinez, Certifying Officer, NOAA, Boulder Field Finance Office.

Mr. Marshall, by Travel Order No. 20-8-RLO-99, dated July 27, 1978, was directed to travel from Boulder, Colorado, his permanent duty station, to Norfolk, Virginia, and return in order to perform temporary duty. At the time the travel order was prepared it was known that the claimant would be on annual leave status in Toronto, Canada. Prior to receiving his travel orders, Mr. Marshall, preparing to go on vacation made arrangements to fly from Denver to Toronto--travel from Boulder to Denver is not a part of the problem--and return using a super saver fare costing \$156.60. As a result of his TDY assignment he was forced to cancel his reservations and obtain regular coach fare tickets from Denver to Toronto to Norfolk and return to Denver for \$387.

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Based upon our decision in 39 Comp. Gen. 611 (1960), NOAA reimbursed Mr. Marshall \$119, which represents the difference between the coach fare from Toronto to Norfolk to Denver (\$248) and the coach fare from Toronto to Denver (\$129). The general rule stated in 39 Comp. Gen. 611, supra, is that when an employee proceeds to a point away from his official station on annual leave he assumes the obligation of returning at his own expense.

Mr. Marshall does not disagree with the above rule but contends that at a minimum he should be allowed the difference between his actual air transportation expenses of \$387 and the \$156.60, the cost of the super saver, since he would have been able to use the super saver but for the new orders requiring him to perform TDY prior to returning to Denver. We agree. Mr. Marshall, however, understates the extent of his entitlement.

Paragraph 1-2.5b of the Federal Travel Regulations (FTR) (FPMR 101-7) (1973) provides:

"When a person for his own convenience travels by an indirect route or interrupts travel by direct route, the extra expense shall be borne by him. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. When transportation requests are used, they shall be issued only for that portion of the expense properly chargeable to the Government, and the employee shall pay the additional personal expense \* \* \*."


Since Mr. Marshall was required to travel from Denver to Norfolk for the purpose of TDY and was notified of that requirement before his departure, his travel by way of Toronto is travel by indirect route within the meaning of FTR para. 1-2.5b, quoted above. Therefore, Mr. Marshall is entitled to reimbursement of his actual expenses not to exceed what he would have incurred had he traveled directly round trip between his permanent duty station and his TDY station. See: Richard B. Gentile, B-188689, February 7, 1978; Wallace W. Tanaka, B-187926, June 8, 1977; and 24 Comp. Gen. 442 (1944). The cost of travel by usually traveled route from Denver to Norfolk and return would have been \$312. Since his actual expenses of \$387 exceeds that amount he is entitled to \$312 less what he has already been reimbursed.

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Mr. Marshall's situation is distinguished from cases in which an employee, who is already away from his permanent duty station for a personal reason such as annual leave, is ordered to perform TDY there or at another location, interrupting, cancelling or following the taking of annual leave. See e.g., Delbert C. Nahm, B-191588, January 2, 1979, and Paul B. Magallanes, B-190646, January 25, 1978.

Furthermore, we recognize that there are times when an agency, for its own convenience, requests an employee, before he departs on annual leave, to perform TDY in conjunction with his vacation. In these instances, the agency request is based on the fact that the employee will be taking leave at or near the TDY site and but for this the request would not have been made. When this occurs the agency is not prohibited from reimbursing an employee only those costs attributable to performing TDY in excess of those the employee would have incurred for personal reasons. Mr. Marshall's travel does not fall into this category as his round-trip travel is specifically authorized in the travel order. The parenthetical notation that he would first go to Canada for leave is not viewed as diminishing his travel reimbursement.

Accordingly, Mr. Marshall is entitled to receive his actual air transportation expenses not to exceed the air transportation expenses he would have incurred had he traveled directly round trip between his permanent duty station and his TDY assignment. The voucher is returned for modification in accordance with our decision.

  
Deputy Comptroller General  
of the United States